
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

R.R., and E.R.,
Plaintiffs,

v.

BLUE SHIELD OF CALIFORNIA,
Defendant.

**MEMORANDUM DECISION AND
ORDER GRANTING STIPULATED
MOTION TO TRANSFER VENUE TO
THE NORTHERN DISTRICT OF
CALIFORNIA (DOC. NO. 17)**

Case No. 2:22-cv-00502

District Judge Howard C. Nielson, Jr.

Magistrate Judge Daphne A. Oberg

Plaintiffs R.R. and E.R. brought this Employee Retirement Income Security Act (“ERISA”) action against Defendant Blue Shield of California. The parties have filed a Stipulated Motion to Change Venue to the Northern District of California.¹ Because the parties have shown the Northern District of California is a proper forum and the parties agree a change of venue will enhance the convenience of parties and witnesses, the motion is granted.

ANALYSIS

Section 1404(a) of Title 28 provides that “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have

¹ (“Mot.”, Doc. No. 17.) A magistrate judge may rule on this motion pursuant to 28 U.S.C. § 636(b)(1)(A) because a motion to transfer venue is not dispositive. *See A.F. v. Highmark Blue Cross Blue Shield*, No. 2:19-cv-00183, 2020 U.S. Dist. LEXIS 71239, at *8 n.4 (D. Utah Apr. 21, 2020) (unpublished) (“[T]he court treats the instant motion to transfer venue as seeking non-dispositive relief.”).

consented.”² To satisfy section 1404, the moving party must establish two separate elements.³

First, the party seeking transfer “must show that the transferee court is a proper forum in which the action could have been brought originally.”⁴ Second, the party must establish “that the transfer will enhance the convenience of the parties and witnesses, and is in the interest of justice.”⁵ An ERISA case can be brought “in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found.”⁶

In their supplemental brief, the parties satisfy the first element and stipulate to the second element.⁷ The parties indicate Defendant Blue Shield is a California corporation which resides in California.⁸ Further, the parties indicate the plan at issue is administered in California and “Plaintiffs, Defendants, and the [p]lan all may be found in California.”⁹ With these joint assertions, the parties have met their burden to establish the Northern District of California is a proper forum where the action could have been brought originally.

² 28 U.S.C. § 1404(a).

³ See *Mandel v. Hafermann*, No. 2:19-cv-00563, 2020 U.S. Dist. LEXIS 96286, at *3 (D. Utah June 1, 2020) (unpublished).

⁴ *Id.* (internal quotation marks omitted).

⁵ *Id.* (internal quotation marks omitted).

⁶ 29 U.S.C. § 1132(e)(2).

⁷ In their initial motion, the parties did not establish the Northern District of California was a proper forum in which the action could have been brought originally. (See Mot., Doc. No. 17.) The court ordered supplemental briefing as to this element. (See Doc. No. 18.)

⁸ (Suppl. Br. Concerning Parties’ Mot. to Transfer Venue to the N.D. of Cal. (“Suppl. Br.”) 3, Doc. No. 19.)

⁹ (*Id.*)

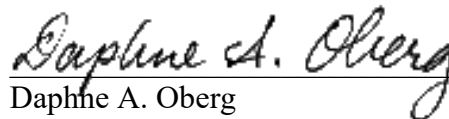
With regard to the second element, the parties agree the change of venue will save party resources and further the interest of judicial economy.¹⁰ Where the parties have established the transfer will enhance the convenience of the parties and the interests of justice, they have met their burden.

CONCLUSION

The court GRANTS the motion to transfer venue¹¹ and ORDERS that the case be transferred to the Northern District of California.

DATED this 6th day of December, 2022.

BY THE COURT:



Daphne A. Oberg
United States Magistrate Judge

¹⁰ (See Mot. 1, Doc. No. 17.) While the parties stipulate to the change of venue, Plaintiffs do not concede Utah is an improper venue under 29 U.S.C. § 1132(e)(2).

¹¹ (Doc. No. 17.)